

Message Text

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12

ACTION DLOS-04

INFO OCT-01 IO-11 ISO-00 FEA-01 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 /107 W

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TO SECSTATE WASHDC 7964

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LIMITED OFFICIAL USE GENEVA 0804

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS--PERUVIAN MARINE SCIENTIFIC RESEARCH (MSR)
ARTICLES

1. PERUVIAN REP ARIAS-SCHRIER SUBMITTED FOLLOWING TEXT AS AMENDMENT TO EVENSEN TEXT. IMPORT OF TEXT IS TO ESTABLISH CONSENT REGIME WITH A STIPULATION THAT CONSENT SHALL NOT BE WITHHELD EXCEPT UNDER SPECIFIED CONDITIONS. TEXT ALSO PROVIDES FOR A COMPULSORY DISPUTE SETTLEMENT PROCEDURE. TEXT WAS GENERALLY SUPPORTED BY LATINS. JAPAN AND FRANCE MADE NOD TOWARD REGIME, WHILE POINTING OUT THAT CONDITIONS FOR REFUSAL OF CONSENT IN ARIAS' TEXT WERE UNSATISFACTORY. AFRICANS OFFERED AMENDMENTS WHICH WOULD HAVE SERVED TO MAKE CONDITIONS EVEN MORE UNTENABLE FOR DEVELOPED STATES. NIGERIA SUGGESTED THE LIST NOT BE EXHAUSTIVE, AND OFFERED AMENDMENT, "INTER ALIA". TEXT AS FOLLOWS: QUOTE: AMENDMENTS SUBMITTED:
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ARTICLE 14: SCIENTIFIC RESEARCH ACTIVITIES IN THE

ECONOMIC ZONE OR ON THE CONTINENTAL SHELF SHALL BE PERFORMED WITH THE CONSENT OF THE COASTAL STATE IN ACCORDANCE WITH THE CONDITIONS LAID DOWN IN THESE ARTICLES.

ARTICLE 15: (EVENSEN REVISION OF ARTICLE 16.)

ARTICLE 16: (EVENSEN REVISION OF ARTICLE 17.)

ARTICLE 17: (EVENSEN REVISION OF ARTICLE 19.)

ARTICLE 18: THE COASTAL STATE SHALL REPLY TO THE COMMUNICATIONS REFERRED TO IN ARTICLE 16 WITHIN 60 DAYS AFTER ITS RECEIPT. IF IT GIVES ITS CONSENT, IT SHALL STATE WHETHER IT INTENDS TO PARTICIPATE IN THE RESEARCH PROJECT.

ARTICLE 19: THE COASTAL STATE SHALL NOT WITHHOLD ITS CONSENT TO THE EXECUTION OF A SCIENTIFIC RESEARCH PROJECT UNLESS:

(A) THE PROJECT MAY AFFECT THE EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF ITS ECONOMIC ZONE OR CONTINENTAL SHELF (EVENSEN REVISION OF EXISTING ARTICLE 14, PARAGRAPH 1.);

(B) THE PROJECT PROVIDES FOR BORINGS OR THE USE OF EXPLOSIVES OR OTHER MEANS WHICH PRODUCE SIMILAR EFFECTS ON THE LIVING RESOURCES OF THE MARINE ENVIRONMENT OR ON THE SEA-BED AND THE SUBSOIL (EVENSEN REVISION OF EXISTING ARTICLE 14, PARAGRAPH 2);

(C) THE PROJECT MAY UNDULY AFFECT ACTIVITIES OVER WHICH THE COASTAL STATE HAS JURISDICTION AS PROVIDED FOR IN THIS CONVENTION (EVENSEN REVISION OF EXISTING ARTICLE 14, PARAGRAPH 3);

(D) THE PROJECT IS INCONSISTENT WITH THE PRINCIPLES LAID DOWN IN ARTICLE 4 OR FAILS TO MEET THE REQUIREMENTS SPECIFIED IN ARTICLE 15 (I.E., IN THE EVENSEN REVISION OF THE EXISTING ARTICLE 16);

(E) THE STATE OR ORGANIZATION SPONSORING THE RESEARCH HAS IN CONNECTION WITH A PREVIOUS RESEARCH PROJECT VIOLATED THOSE PRINCIPLES OR REQUIREMENTS OR FAILED TO SATISFY THE CONDITIONS LAID DOWN IN ARTICLE 16 (EVENSEN REVISION OF EXISTING ARTICLE 17).DALE

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Message Attributes

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Disposition Authority: morefirh
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